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09/397,455	09/16/1999	NED M SMITH	042390.P6764	8766

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EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/397,455
Filing Date: September 16, 1999
Appellant(s): SMITH, NED M

MAILED

AUG 23 2006

Technology Center 2100

Justin B. Scout, Reg. No. 54,431
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/8/06 appealing from the Office action mailed 3/7/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is incorrect. The changes are as follows: Claims 1,2, and 4-26 are rejected under 35 U.S.C. 102(b) as being unpatentable over Fischer (US Patent No. 5,214,702).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,214,702

FISCHER

5-1993

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

It is to clarify for the record that in replying to the appeal brief filed on 12/23/05, a new ground of rejection has been set forth below in the Office Action mailed on 3/7/06, in which claims 1,2, and 4-26 are rejected under 35 U.S.C. 102(b) as being unpatentable over Fischer (US Patent No. 5,214,702).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2 and 4-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Fischer (US Patent No. 5,214,702).

Referring to claims 1 and 20, Fischer discloses a method comprising:

reading from a software module embedding one of a set of keys associated with a trusted source (See Column 12, lines 5-16, 28-36)

determining whether a key is traceable to one of a set of keys (See Column 22, lines 20-26)

determining whether the key is identified in a list of comprised keys (See Column 19, lines 36-45)

and if the key is not identified as comprised and is traceable to one of the keys in the set, assigning the key a trusted status (See Column 19, lines 10-23)

Referring to claims 2, 14, and 21, Fischer discloses the claimed limitation wherein verifying the integrity of a document comprising the key and the list of comprised keys (See Column 21, lines 31-47)

Referring to claims 4, 16, and 23, Fischer discloses the claimed limitation wherein tracing the key through a certificate chain to one of the keys in the set of keys (See Column 16, lines 22-27)

Referring to claim 5, Fischer discloses the claimed limitation wherein associating a document comprising the key and the set of keys with a software module comprising the set of keys using a hash of the software module in the document (See Column 24, lines 18-44)

Referring to claim 6, Fischer discloses the claimed limitation wherein the document is a manifest signed by the key (See Column 24, lines 18-44)

Referring to claim 7, Fischer discloses the claimed limitation wherein searching the list of compromised keys for the key (See Column 19, lines 36-48)

Referring to claims 8, 17, and 24, Fischer discloses the claimed limitation wherein producing a document comprising an identification of a software module and a list of comprised keys in and digitally signing the document using a key traceable to one of a set of keys comprised by the software module (See Column 19, lines 36-62)

Referring to claims 9, 18, and 25, Fischer discloses the claimed limitation wherein the identification of the software module comprises a hash value of the software module (See Column 17, lines 45-62, Column 18, lines 6-13)

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Referring to claims 10, 19, and 26, Fischer discloses the claimed limitation wherein the key is traceable to one of the set of keys comprised by the software module by way of a certificate chain (See Column 16, lines 22-27)

Referring to claim 11, Fischer discloses the claimed limitation wherein making the document available on a communication network by which computer systems comprising the software module may read the document (See Column 25, lines 23-35)

Referring to claim 12, Fischer discloses the claimed limitation wherein the set of keys is embedded within the software module (See Column 12, lines 5-16, 28-36)

Referring to claim 13, Fischer discloses a device comprising a processor (See Column 9, lines 30-41) machine-readable storage for storing instructions, determining whether a key is traceable to one of a set of keys associated with a trusted source (See Column 22, lines 20-26)

determine whether the key is identified in a list of comprised keys (See Column 19, lines 36-45)

and if the key is not identified as comprised and is traceable to one of the keys in the set, assign the key a trusted status (See Column 19, lines 10-23)

Referring to claim 15, Fischer discloses the claimed limitation wherein a software module comprising the list of keys (See Column 19, lines 36-45)

Referring to claim 22, Fischer discloses the claimed limitation wherein a software module embedding the set of keys associated with the trusted source (See Column 12, lines 5-16, 28-36)

(10) Response to Argument

In general, the appellant's arguments fail to consider the full teachings of the reference in light of the knowledge generally available to one of ordinary skill in the art.

Appellant argues Grimmer nor Van Oorschot show, teach, use, or describe a reading from a software module embedding one of a set of keys associated with a trusted source. The Examiner agrees with respect to appellant's arguments, therefore, in view of Fischer, the following response will be applied.

Fischer discloses a public key cryptographic method and system for authenticating the identity of public key holder. The enhanced digital signature certification will allow trust to be assigned to a key. (See Abstract) As shown in Column 12, lines 5-16 and 28-36, Fischer discloses reading from a software module of a meta-certifier, embedding one of a set of keys within the certificates that are associated with a trusted source (i.e. meta-certificate). The certificates are accompanied by digital signatures wherein determining whether the key is traceable to one of a set of keys associated with the trusted authority is determined in Column 22, lines 20-26. Fischer discloses a list of compromised keys which determines if the key can be identified by a valid digital signature in Column 19, lines 36-45. Furthermore, if the key is not identified as a compromised key and is traceable to one of the keys in the set (i.e. valid), the assigned key within the certificate will gain trusted status based upon a trust level as shown in Column 19, lines 10-23)

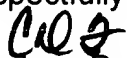
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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

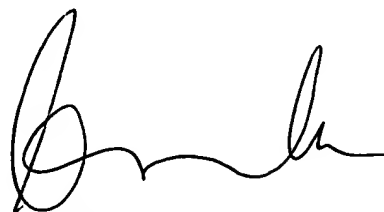

Courtney D. Fields

August 10, 2006

Conferees:

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